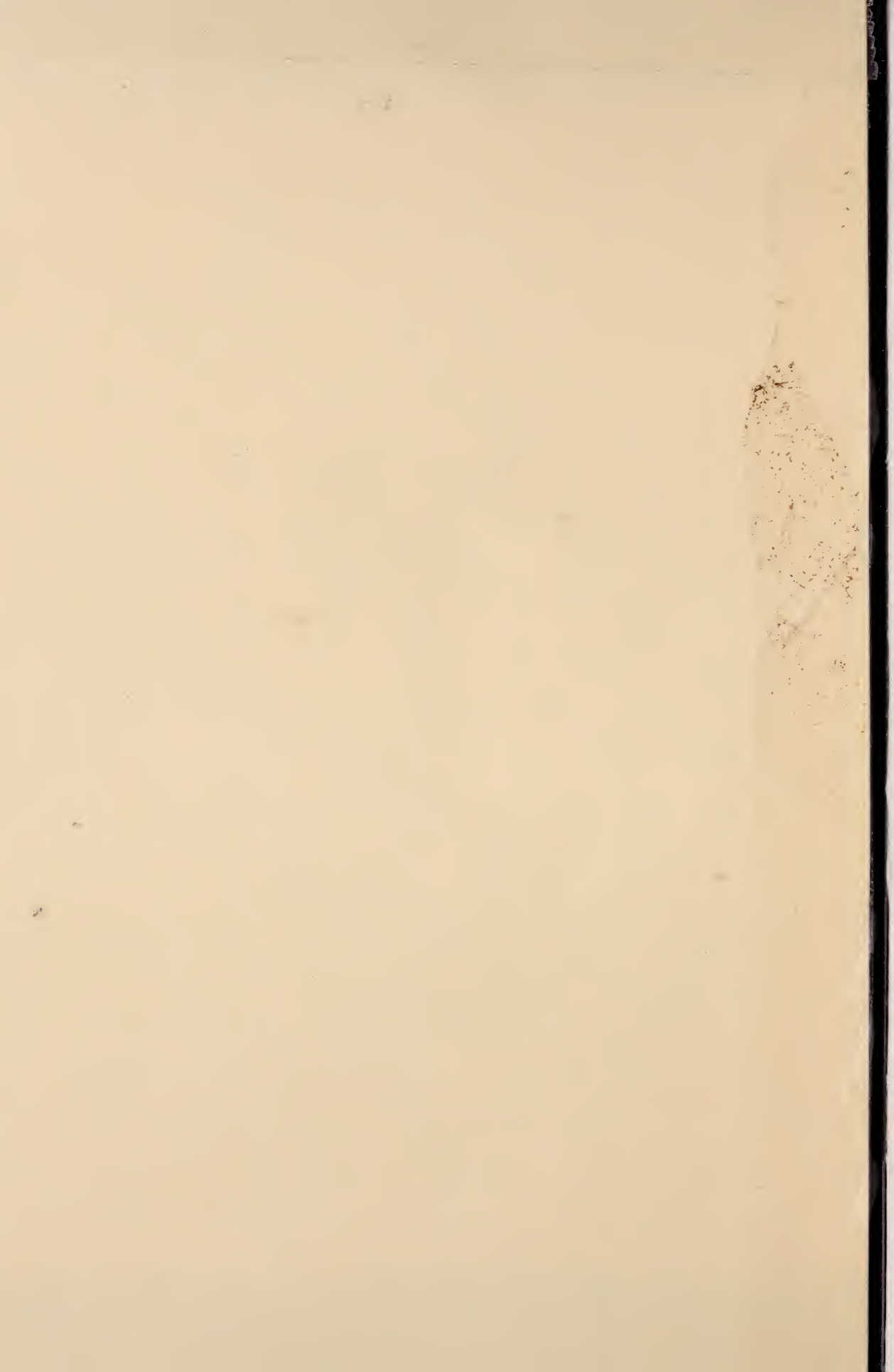


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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1601-1635

[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 21, 1938]

**1601. Misbranding of Minto-San Mint Formaldehyde Spray. U. S. v. Huntington Laboratories of Colorado, Inc. Plea of guilty. Fine, \$200. (I. & F. No. 2014. Sample No. 41187-C.)**

The labeling of this product bore false and misleading representations regarding its properties as a disinfectant and failed to declare an inert ingredient—water.

On November 18, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Huntington Laboratories of Colorado, Inc., alleging shipment by the said defendant in violation of the Insecticide Act of 1910 on or about May 3, 1937, from the State of Colorado into the State of Utah of a quantity of Minto-San Mint Formaldehyde Spray which was misbranded.

The article was alleged to be misbranded in that the following statements, "Antiseptic—The Master Corrective Medium for dormant air and pathological and bacteriological disturbances. Instructions And Suggestions For Using Spray Minto-San into the school rooms; \* \* \* When children enter the school room spray Minto-San into the room. Toilets, urinals, wash bowls and lavatory bowls should be sprayed liberally with Minto-San. It \* \* \* acts in an antiseptic manner. Spray Minto-San into clothes lockers, vaults, telephone booths, smoking rooms, churches, meeting halls, and wherever crowds gather. Wipe door knobs, telephone mouth pieces, stair railings, arm rests on chairs, desk top ledges, etc., with a cloth saturated with Minto-San," were false and misleading, and by reason thereof the article was labeled so as to deceive and mislead the purchaser since they represented that the article when used as directed, would be an effective disinfectant; whereas when used as directed, it would not be an effective disinfectant.

The article was alleged to be misbranded further in that it was a fungicide and consisted partially of an inert substance or ingredient, water, and the name and percentage amount of said inert substance or ingredient were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of each and every substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the label.

The information alleged that the article was also misbranded in violation of the Food and Drugs Act, reported in notice of judgment No. 28328 published under that act.

On December 16, 1937, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200 for violation of the Insecticide Act of 1910 and \$100 for violation of the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1602. Misbranding of Midland Hospital Germolyptus. U. S. v. Midland Chemical Laboratories, Inc. Plea of guilty. Fine, \$50 and costs. (I. & F. No. 2027. Sample No. 45756-C.)**

The labeling of this product bore false and misleading statements regarding its alleged effectiveness as an antiseptic, germicide, and disinfectant.

On December 7, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Midland Chemical Laboratories, Inc., Dubuque, Iowa, alleging shipment by said company on or about July 1, 1937, from the State of Iowa into the State of Minnesota of a quantity of Midland Hospital Germolyptus, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the drum label, "Germolyptus a reliable germicide, disinfectant, antiseptic \* \* \* Directions \* \* \* Dilution to make 1% solution, use 2 teaspoonfuls to 1 quart of water \* \* \* Surgical Instruments Use 5% Solution," were false and misleading, and by reason of the said statements, it was labeled so as to deceive and mislead the purchaser in that they represented that the article would be an effective disinfectant and germicide when used as a 1-percent solution and would disinfect surgical instruments when used as a 5-percent solution; whereas the article was not an effective disinfectant and germicide when used as a 1-percent solution and would not disinfect surgical instruments when used as a 5-percent solution.

The information alleged that the article was also misbranded in violation of the Food and Drugs Act, reported in notice of judgment No. 28330 published under that act.

On December 7, 1937, a plea of guilty having been entered, the court imposed a fine of \$50 and costs for violation of both acts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1603. Misbranding of Ex-Louse. U. S. v. Walter F. Williams and James A. Gregory (Geno Remedy Co.). Pleas of guilty. Fine, \$100 and costs. (I. & F. No. 2018. Sample No. 34056-C.)**

This product was misbranded because of failure of the labeling to declare the inert ingredients present.

On November 10, 1937, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Walter F. Williams and James A. Gregory, Monticello, Ill., alleging shipment by said defendants under the name of the Geno Remedy Co., on or about December 26, 1936, from the State of Illinois into the State of Indiana of a quantity of Ex-Louse which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of inert substances or ingredients, namely, substances other than sodium fluoride, sulphur, and naphthalene, and the name and percentage amount of each inert substance or ingredient present in the article were not stated plainly and correctly on the can label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having insecticidal properties and the total percentage of the inert ingredients present therein stated plainly and correctly on the said label.

On January 15, 1938, the defendants entered pleas of guilty and the court sentenced each to pay a fine of \$50 with costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1604. Misbranding of Cedar Moth Gas. U. S. v. Cedarway Products Co., Inc., Abraham S. Korn, Morris Muraskin, and Abraham Muraskin. Pleas of guilty. Fines, \$20. (I. & F. No. 2030. Sample No. 42973-C.)**

The labeling of this product bore false and misleading representations regarding its effectiveness to protect clothes against moths and did not bear a statement of the proportion of inert ingredients contained therein.

On March 15, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Cedarway Products Co., Inc., New York, N. Y., and Abraham S. Korn, Morris Muraskin, and Abraham Muraskin, officers of the corporation, alleging shipment by said defendants on or about April 8, 1937, from the State of New York into the State of Ohio of a quantity of Cedar Moth Gas, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements "Cedar Moth Gas Cedarway Clothes Protector \* \* \* Tear This label off cedarway clothes protector Use 1 Box to every 10 Cu. Ft. of confined space \* \* \* Make pin holes in the cellophane," borne on the label, were false and misleading and by

reason of the said statements, it was labeled and branded so as to deceive and mislead the purchaser, since they represented that the article when used as directed, would protect clothes against moths; whereas when used as directed, it would not protect clothes against moths. It was alleged to be misbranded further in that it consisted completely of inert substances which would not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each of such substances so present were not stated plainly and correctly on the label.

On April 11, 1938, pleas of guilty having been entered by the defendants, they were sentenced to pay fines in the total amount of \$20.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1605. Misbranding of Super Deodorant Moth Exterminator. U. S. v. Crane Chemical Corporation. Plea of guilty. Fine, \$25. (I. & F. No. 2008. Sample No. 20567-C.)**

The labeling of this product bore false and misleading representations regarding its effectiveness to kill moths and their larvae.

On November 16, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Crane Chemical Corporation, Irvington, N. J., alleging shipment by said defendant on or about March 6, 1937, from the State of New Jersey into the State of Rhode Island of a quantity of Super Deodorant Moth Exterminator, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statement "Will kill moths and their larvae," borne on the label, was false and misleading and by reason of said statement, the article was labeled so as to deceive and mislead the purchaser, since the statement represented that the article when used as directed, would kill moths and their larvae; whereas it would not kill moths and their larvae when used as directed.

On December 10, 1937, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1606. Misbranding of Kotofom. U. S. v. Kotofom Corporation of America. Plea of guilty. Fine, \$5 and costs. (I. & F. No. 2016. Sample Nos. 6050-C, 33334-C.)**

The labeling of this product bore false and misleading representations regarding its effectiveness in the control of moths, fleas, and other insects; and its effectiveness as a germicide.

On January 19, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kotofom Corporation of America, South Bend, Ind., alleging shipment by said corporation in violation of the Insecticide Act of 1910 on or about September 8 and October 26, 1936, from the State of Indiana into the State of Wisconsin of quantities of Kotofom which was misbranded.

The article was alleged to be misbranded in that the statements in a circular accompanying a portion of the article, "Kotofom actually kills moth worms in \* \* \* upholstery, furniture and other fabrics," and "It kills insects," and the statements in a booklet accompanying the remainder, "Kotofom is a \* \* \* germicide Kotofom is an effective \* \* \* germicide. It sanitizes as it cleans \* \* \* Kotofom is an effective \* \* \* moth preventive \* \* \* Use Kotofom 16 to 1 for bathing pet animals, to remove and prevent fleas," were false and misleading and by reason of the said statements, it was labeled and branded so as to deceive and mislead purchasers since the several statements represented that the article when used as directed, would be effective against all moth worms in upholstery, furniture, or in all other fabrics, would be effective against all insects, that it was a germicide, was an effective moth preventative, and would be effective to remove and to prevent fleas on pet animals; whereas when used as directed the article would not be effective for the said purposes.

It was also alleged to be misbranded in violation of the Food and Drugs Act, reported in notice of judgment No. 28690 published under that act.

On February 7, 1938, a plea of guilty was entered, and the defendant was sentenced to pay a fine of \$5 and costs for violation of both acts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1607. Misbranding of Kotofom. U. S. v. Kotofom Corporation of America. Plea of guilty. Fine, \$5 and costs. (I. & F. No. 2025. Sample No. 50303-C.)**

The labeling of this product bore false and misleading representations regarding its effectiveness to control moths and to kill all insects.

On January 19, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kotofom Corporation of America, South Bend, Ind., alleging shipment by said company on or about August 26, 1937, from the State of Indiana into the State of Wisconsin of a quantity of Kotofom, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Kotofom kills moth worms in \* \* \* upholstered furniture and other fabrics," and "It kills insects," borne on an accompanying circular, were false and misleading and by reason of the said statements, it was labeled and branded so as to deceive and mislead purchasers, since they represented that the article when used as directed, would be effective against all moth worms in upholstered furniture or in all other fabrics and would be effective against all insects; whereas the article when used as directed, would not be effective for the said purposes.

On February 7, 1938, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$5 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1608. Misbranding of Scientific Fly Spray. U. S. v. The R. M. Hollingshead Corporation. Plea of guilty. Fine, \$50. (I. & F. No. 1942. Sample No. 46988-B.)**

The labeling of this product bore false and misleading representations regarding its effectiveness to kill flies.

On November 25, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. M. Hollingshead Corporation, Camden, N. J., alleging that on or about February 19, 1936, the said defendant shipped in interstate commerce to San Francisco, Calif., a quantity of Scientific Fly Spray which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Fly Spray Kills Flies \* \* \* Scientific Fly Spray is unexcelled for killing flies \* \* \* Directions: To kill flies \* \* \* close doors and windows and spray toward the ceiling. As soon as the air becomes impregnated with the vapor, the insects will die," borne on the label, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead purchasers, since they represented that when used as directed, it would be effective for the killing of flies; whereas when used as directed, it would not be effective for the killing of flies.

On May 23, 1938, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1609. Misbranding of Dead Stuck. U. S. v. Chapman & Rodgers, Inc. Plea of guilty. Fine, \$25 and costs. (I. & F. No. 2000. Sample No. 11730-C.)**

The labeling of this product bore false and misleading statements regarding its effectiveness against certain insects.

On September 17, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Chapman & Rodgers, Inc., Philadelphia, Pa., alleging shipment by said defendant on or about August 21, 1936, from the State of Pennsylvania into the State of Massachusetts of a quantity of Dead Stuck, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Kills:— Flies \* \* \* Mosquitoes \* \* \* For Moths, etc. Sprinkle freely on all articles before packing away, in wardrobe and trunk, on carpet, rugs, tapestries, clothes, woollens, upholstery, furs, etc. \* \* \* For lice and fleas on persons and animals, such as dogs, cats, horses, fowls, etc., use one to three table-spoonfuls to one quart of warm soap suds, and bathe parts affected freely, allowing to remain a short time, after which wash off with soap and warm water," borne on the label, were false and misleading and by reason of the said state-

ments, the article was labeled so as to deceive and mislead the purchaser since they represented that when used as directed, it would act as an effective insecticide against flies, mosquitoes, moths, lice and fleas on persons and animals, such as dogs, cats, horses, fowls, etc.; whereas the article when used as directed, was not effective to accomplish the said purposes.

On January 7, 1938, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1610. Misbranding of Diamond G-C-K Disinfectant. U. S. v. Diamond Chemical & Supply Co. Plea of guilty. Fine, \$10. (I. & F. No. 2003. Sample No. 46977-C.)**

The labeling of this product bore false and misleading representations regarding its effectiveness as a disinfectant, and did not bear a statement of the proportion of inert ingredients contained therein.

On October 5, 1937, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Diamond Chemical & Supply Co., a corporation, Wilmington, Del., alleging shipment by said defendant on or about April 8, 1937, from the State of Delaware into the State of Pennsylvania, of a quantity of Diamond G-C-K Disinfectant which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Disinfectant \* \* \* Simply pour four ounces G-C-K into an approximate three gallon pail of water. \* \* \* Mop or scrub floors, baseboards, toilets, urinals, sinks, drains, cuspidors, etc. For use as a germicide, add a teaspoonful of G-C-K to one quart water," borne on the label, were false and misleading and by reason of the said statements, it was labeled and branded so as to deceive and mislead the purchaser, since they represented that it would disinfect drains and would act as an effective disinfectant when used as directed on the label; whereas the article was not effective to accomplish the said purposes when used as directed. It was alleged to be misbranded further in that it consisted partially of an inert substance, water, and the name and percentage amount of the said inert substance so present were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of each and every substance or ingredient of the article having fungicidal (bactericidal) properties and the total percentage of the inert substance or ingredient so present therein stated plainly and correctly on the label.

On December 14, 1937, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$10.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1611. Misbranding of Incubator Fumigant. U. S. v. Joseph Meyer Rice, Rollie Theodore Renwald, and Samuel Aaron Rice (Gland-O-Lac Co.). Plea of nolo contendere. Samuel Aaron Rice fined \$5. Remaining defendants fined \$10 each. Costs assessed. (I. & F. No. 2006. Sample No. 41818-C.)**

This product was misbranded because its label failed to declare the inert ingredient present.

On September 30, 1937, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the above-named defendants, trading as Gland-O-Lac Co., Omaha, Nebr., alleging shipment by said defendants on or about March 5, 1937, from the State of Nebraska into the State of Illinois, of a quantity of Gland-O-Lac Incubator Fumigant which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of an inert substance or ingredient, water, and the name and percentage amount of the said inert substance or ingredient were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substance or ingredient so present therein stated plainly and correctly on the label.

On December 16, 1937, a plea of nolo contendere having been entered by the defendants, they were sentenced to pay fines in the total amount of \$25. Costs were assessed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1612. Adulteration and misbranding of Chloron-ize. U. S. v. 9 Cans of Chloron-ize. Default decree of condemnation and destruction. (I. & F. No. 2041. Sample No. 640-D.)**

The labeling of this product bore false and misleading representations regarding the proportion of calcium hypochlorite contained therein and its effectiveness as a disinfectant and deodorant.

On or about February 26, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cans of Chloron-ize at Baker, Oreg., alleging that the article had been shipped in interstate commerce on or about December 21, 1936, from Aberdeen, Wash., by the Standard Chemical Co., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statement "Calcium hypochlorite . . . 5%," borne on the label, represented that the standard and quality of the article were such that it contained calcium hypochlorite in a proportion of not less than 5 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since the article contained calcium hypochlorite in a proportion of less than 5 percent.

The article was alleged to be misbranded in that the statement "Calcium hypochlorite" . . . 5%," borne on the label, was false and misleading and by reason of the said statement, it was labeled and branded so as to deceive and mislead the purchaser since it contained less than 5 percent of calcium hypochlorite.

It was alleged to be misbranded further in that the statements "Disinfects \* \* \* 1 oz. Chloron-ize to gallon of water provides 200 parts of chlorine in a million parts of solution. For Combined Cleansing and Disinfecting: Use 1 oz. (2 level tablespoonfuls) to a gallon of water. When a Chlorine Rinse is Required I. Clean with Chloron-ize (1 oz. to gallon of water). 2. Rinse in solution of 1 oz. Chloron-ize to gallon of water. Glassware, Dishes, Silverware, Cooking or Dairy Utensils, strainers, mixers, paring machines, refrigerators, steam tables, pots, dippers, ladles, equipment, lavatories, floors, linoleums: Use 1 oz. Chloron-ize to gallon of water. Coffee Urns: Use 2 oz. Chloron-ize to gallon of warm water. Rinse thoroughly with water. Sandwich Boards, Painted and Varnished Surfaces: 1 oz. Chloron-ize to a gallon of water. Shower Rooms, Drain Pipes, Garbage Containers, General Deodorizing: 2 to 3 oz. Chloron-ize to gallon of water," borne on the label, were false and misleading and by reason of the said statements, the article was labeled and branded so as to deceive and mislead the purchaser; since they represented that 1 ounce of the article to 1 gallon of water would make a solution containing 200 parts per million of chlorine, that the product would clean and disinfect in one operation, that it was an effective disinfectant in the dilution specified and that it would deodorize when used as directed; whereas 1 ounce of the article to 1 gallon of water would not make a solution containing 200 parts per million of chlorine, the article would not clean and disinfectant in one operation, it was not an effective disinfectant in the dilution specified, and it would not deodorize when used as directed.

On June 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1613. Misbranding of Fish Oil Soap and Interstate Special Dust. U. S. v. Interstate Chemical Manufacturing Co. Plea of guilty. Fine, \$900 of which \$600 was remitted and defendant placed on probation for 18 months. (I. & F. No. 2019. Sample Nos. 27431-C, 47227-C, 56002-C.)**

Both products were misbranded because of failure to declare the inert ingredients. The Special Dust was misbranded further since it contained arsenic and the amount of arsenic in water-soluble form, expressed as per centum of metallic arsenic, was not stated on the label.

On November 16, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Interstate Chemical Manufacturing Co., a corporation, Jersey City, N. J., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about May 3 and 17, 1937, from the State of New Jersey into the State of Pennsylvania, of quantities of Interstate Special Dust which was a misbranded insecticide and fungicide; and on or about May

10, 1937, from the State of New Jersey into the State of New York, of a quantity of fish oil soap which was misbranded insecticide.

The articles were alleged to be misbranded in that they consisted partially of inert substances, namely, water, in the case of the fish oil soap and substances other than calcium arsenate and monohydrated copper sulphate in the case of the Interstate Special Dust, which said inert substances do not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of each inert ingredient present in the articles were not stated plainly and correctly on the labels, nor in lieu thereof were the name and percentage amount of each substance or ingredient of the articles having insecticidal or fungicidal properties and the total percentage of inert substances or ingredients present therein stated plainly and correctly on the labels. The Special Dust was alleged to be misbranded further in that it was an insecticide other than paris green and lead arsenate and a fungicide and contained arsenic, and the total amount of arsenic in water-soluble form, expressed as per centum of metallic arsenic, was not stated on the label.

On December 10, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$900 but ordered that \$600 thereof be suspended and that the defendant be placed on probation for 18 months.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1614. Misbranding of Potash Fish Oil Soap. U. S. v. 5 Drums and 2 Drums of Potash Fish Oil Soap. Default decrees of condemnation and destruction.** (I. & F. Nos. 2042, 2043. Sample Nos. 11353-D, 11357-D.)

This product contained more water and less potash fish oil soap than declared on the label.

On March 1, 1938, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court two libels alleging seizure and condemnation of seven drums of Potash Fish Oil Soap in part at Rogers, Ark., and in part at Springdale, Ark., alleging that the article had been shipped in interstate commerce on or about February 1 and 9, 1938, from St. Louis, Mo., by Peck's Products Co., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statement, "40% Potash Fish Oil Soap, Inert Matter not over 60% water," borne on the label, represented that the standard and quality of the article were such that it contained potash fish oil soap in a proportion of not less than 40 percent and contained water in a proportion of not more than 60 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold since it contained potash fish oil soap in a proportion of less than 40 percent and water in a proportion of more than 60 percent.

It was alleged to be misbranded in that the aforesaid statements were false and misleading and by reason of the said statements, it was labeled and branded so as to deceive and mislead the purchaser.

On May 25, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1615. Misbranding of Moth-O-Cide. U. S. v. Maurice V. Angel and Harold M. Lissman (Interstate Drug & Manufacturing Co.). Pleas of nolo contendere. Fines, \$50.** (I. & F. No. 2021. Sample No. 33398-C.)

This product was misbranded because of false and misleading representations regarding its effectiveness in the control of moths; and because it was labeled to indicate that it consisted chiefly of paradichlorobenzene, whereas it contained only a small amount of such substance.

On November 24, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Maurice V. Angel and Harold M. Lissman, trading under the name of Interstate Drug & Manufacturing Co., Chicago, Ill., alleging shipment by said defendants on or about March 3, 1937, from the State of Illinois into the State of Wisconsin of a quantity of Moth-O-Cide, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Moth O Cide Suicide to Moths Directions Kills Moths—Protects Garments Sprinkle liberally thru clothing and closets Moth-O-Cide vapors that will kill any larvae or adult worm that may be present \* \* \* Contains Paradichlor

Benzene," borne on the can label, were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead the purchaser, since they represented that when used as directed, it would be effective against moths under all conditions; and that it consisted chiefly of paradichlorobenzene; whereas it would not be effective against moths under all conditions when used as directed, and it consisted chiefly of naphthalene with only a small amount of paradichlorobenzene.

On December 1, 1937, pleas of nolo contendere were entered by the defendants and the court imposed a fine of \$25 against each.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1616. Misbranding of Rex Bathroom Deodorant. U. S. v. Baum's Castorine Co., Inc. Plea of guilty. Fine, \$25. (I. & F. No. 2020. Sample No. 20943-C.)**

The labeling of this product contained false and misleading representations regarding its effectiveness as a germicide, disinfectant, and deodorant; and it also failed to declare the inert ingredient present in the article.

On November 8, 1937, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Baum's Castorine Co., Inc., Rome, N. Y., alleging shipment by said company on or about May 11, 1937, from the State of New York into the State of Connecticut of a quantity of Rex Bathroom Deodorant, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements, "Spray small amount into air with atomizer. It instantly kills all bad odors in all places. Leaves a pleasant clean odor. Powerful Germicide & Disinfectant," borne on the label, were false and misleading and by reason thereof the article was labeled so as to deceive and mislead the purchaser, since they represented that when used as directed, it would act as a germicide, would act as a disinfectant, and would kill all bad odors in all places; whereas when used as directed, it would not be effective to accomplish the said purposes. It was alleged to be misbranded further in that it consisted partially of an inert substance or ingredient, namely, water, which substance does not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of the said inert ingredient were not stated plainly and correctly on the label affixed to the bottle containing the article; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal properties and the total percentage of the inert substances or ingredients present therein stated plainly and correctly on the label.

On January 13, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1617. Misbranding of Go-Go. U. S. v. 60 Cans of Go-Go. Default decree of condemnation and destruction. (I. & F. No. 2029. Sample No. 46698-C.)**

The labeling of this product bore false and misleading representations regarding its effectiveness as a fungicide.

On November 29, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 cans of Go-Go at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about October 15, 1937, from Springfield, Ill., by Stark Chemical Products Co., and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Go-Go \* \* \* Sterilizes Hotel and Restaurant Ware \* \* \* Go-Go \* \* \* Sterilizes Bar Glassware \* \* \* Beer Coils To free beer coils from every atom of bacteria, place three tablespoonfuls of Go-Go solution in your tank. Then fill the tank with water. Let this Go-Go solution run through the hose, coil and faucet. When the solution has run out, refill the tank with clear cold water and let it run off through the coils, hose and faucet. Your delivery system will then be in a thoroughly sterilized \* \* \* condition \* \* \* Sterilize your coils twice a week," borne on the labels, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser since they represented that when used as directed, it would sterilize bar glassware and beer coils and

would free beer coils from bacteria; whereas when used as directed, it would not be effective to accomplish said purposes.

On January 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1618. Alleged misbranding of Cedo-Blocs. U. S. v. Harold Willis Handley and Kenneth Edward Handley (Cedar Products Co. Inc.). Tried to the court. Judgment of not guilty. (I. & F. No. 1943. Sample No. 58113-B.)**

On November 27, 1936, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harold Willis Handley and Kenneth Edward Handley, copartners, trading as the Cedar Products Co., Inc., at La Porte, Ind., alleging that the said defendants shipped from the State of Indiana into the State of Illinois on or about April 11, 1936, a quantity of Cedo-Blocs that were misbranded.

The information alleged that the article was misbranded in that the following statements borne on the label were false and misleading and that by reason thereof, it was labeled so as to deceive and mislead the purchaser in that when used as directed, it would not furnish protection against moths: "Cedo-Blocs—for Moths—Blocks highly impregnated with cedar oils that make every drawer a cedar chest \* \* \* They bring you Moth Protection—the need has long been felt, \* \* \* How to Obtain Utmost Protection from Moths With Cedo-Blocs. Follow these instructions Place a Cedo Chest in Every Closet, Drawer and Trunk, Clean, brush and beat the clothing, blankets, etc., thoroughly and hang them in the sun before placing them in the drawers, trunks or closets. Furs should be combed with a fine tooth comb to remove any eggs or larvae that may be imbedded close to the skin. Open One End of The Wrapper Only. In small drawers two blocks are sufficient. Large drawers, packing trunks or boxes require from three to six blocks separated between the articles. Closets require from 6 to 24 blocks placed on the floor and shelves. Unfold the ends of blocks and set them upright in small carton as illustrated. The air circulating in the closet will carry the cedar fumes to all parts of the closet. It is recommended that drawers, boxes, trunks and closets be kept tightly closed during the time that clothing and other articles are stored in them. \* \* \* Cedo-Blocs are scientifically treated wood blocks impregnated with pure Oils of Cedar. Cedo-Blocs protect clothing, furs, blankets and other woolen fabrics against moths for a period of six months if instructions are carefully followed."

The defendants having entered pleas of not guilty, the case came on for trial before the court without a jury on October 11, 1937, but was adjourned until February 11, 1938, on which date it was concluded. The court entered judgment finding the defendants not guilty.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1619. Adulteration and misbranding of Lacco Brand Paris Green. U. S. v. 11 Drums of Paris Green. Default decree of condemnation and destruction. (I. & F. No. 1990. Sample No. 9840-C.)**

This product was represented to be paris green but consisted of a mixture of paris green, calcium arsenate, calcium arsenite, and other substances. Its labeling failed to declare the amount of the arsenic present and the amount of arsenic in water-soluble form, expressed as metallic; and it also failed to indicate the active and inert ingredients in the manner required by the law.

On May 14, 1937, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 drums of paris green at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about September 26, 1936, by the Los Angeles Chemical Co. from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that it fell below the professed standard and quality under which it was sold in that it was represented to be paris green; whereas it was not as represented since it consisted of paris green, calcium arsenate, calcium arsenite, and other substances. It was alleged to be adulterated further in that calcium arsenate, calcium arsenite, and other substances had been substituted in part for paris green, which it purported to be.

It was alleged to be misbranded in that the statement on the drum, "Paris Green," was false and misleading and deceived and misled the purchaser since it contained arsenic and the total amount of arsenic present, and the amount of arsenic in water-soluble form, expressed as percentum of metallic arsenic, were not stated on the label. It was alleged to be misbranded further in that it consisted partially of inert substances or ingredients and the name and percentage amount of each of such inert substances or ingredients were not stated plainly and correctly on the drum label, nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having insecticidal properties and the total percentage of inert substances present therein stated plainly and correctly on the label.

On December 27, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1620. Adulteration and misbranding of Lacco Brand Paris Green. U. S. v. Los Angeles Chemical Co. Plea of guilty. Fine, \$100. (I. & F. No. 2017. Sample No. 9840-C.)**

This product was labeled to represent that it consisted of paris green but it consisted in part of other substances and its label did not bear a statement of the total amount of arsenic, expressed as metallic arsenic, present.

On November 12, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Los Angeles Chemical Co., a corporation, Los Angeles, Calif., alleging shipment by said defendant on or about September 26, 1936, from the State of California into the State of Arizona of a quantity of Lacco Brand Paris Green, which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statement "Paris Green," borne on the label, represented that the standard and quality of the article were such that it consisted of paris green; whereas its strength and purity fell below the professed standard and quality under which it was sold, since it did not consist of paris green but consisted of paris green, calcium arsenate, and other substances. It was alleged to be adulterated further in that calcium arsenate, calcium arsenite, and other substances had been substituted in part for the article.

It was alleged to be misbranded in that the statement "Paris Green," borne on the label, was false and misleading and by reason of the said statement, it was labeled and branded so as to deceive and mislead the purchaser. It was alleged to be misbranded further in that it contained arsenic and the total amount of arsenic, expressed as percentum of metallic arsenic, was not stated on the label; and in that it contained arsenic and the amount of arsenic in water-soluble form, expressed as percentum of metallic arsenic, was not stated on the label.

On December 6, 1937, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1621. Adulteration and misbranding of Koobaye, and misbranding of Florote. U. S. v. National Products Corporation (formerly National Insecticide Corporation). No defense offered. Judgment of guilty. Fine, \$300 and costs. (I. & F. No. 1890. Sample Nos. 11494-B, 22225-B.)**

The labeling of these products contained false and misleading claims regarding their effectiveness in the control of insects and other misrepresentations. One lot of the Koobaye contained false and misleading representations regarding its active and inert ingredients.

On April 12, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Products Corporation, of Orlando, Fla., formerly the National Insecticide Corporation, of Tallahassee, Fla., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about October 9 and November 1, 1934, from the State of Florida into the State of Georgia of quantities of Koobaye and Florote which were misbranded; and on or about November 30, 1934, from the State of Florida into the State of Louisiana of a quantity of Koobaye which was adulterated and misbranded.

One shipment of the said Koobaye was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was labeled, "Active Ingredients Active Barbasco Root Extractive Materials (including 1.97 per ct. 'Rotenone') . . . 2.80 pr. ct. Tobacco Extractive 'Nicotine' . . . 1.65 pr. ct. Oleates . . . 19. pr. ct. Inerts . . . 76.55 pr. ct."; whereas it contained less than 2.80 percent of barbasco root extractive materials, less than 1.65 percent of nicotine, less than 19 percent of oleates, and it contained more than 76.55 percent of inert ingredients. The said lot was alleged to be misbranded in that the above-quoted statements on the can label were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser.

Both lots of the Koobaye were alleged to be misbranded in that the following statements, "Dilution Table for the Control of Insects Usually Infesting Vegetable Gardens, Green Houses, Flower Gardens, Citrus Groves, Apple, Peach, and Pear Orchards, Ornamental Shrubbery, etc. \* \* \* One (1) gallon 'Koobaye' added to 100 gallons of Bordeaux Mixture makes a very efficient control for Cut Worms \* \* \* Root 'Maggots' \* \* \* One (1) gallon 'Koobaye' added to 100 gallons of Bordeaux Mixture makes a very effective control for \* \* \* brown rot \* \* \* For peach leaf curl, brown rot, \* \* \* apple \* \* \* scab, blotch, frog eye \* \* \* One to fifty (1 to 50) \* \* \* The manufacturer guarantees this material as true to the label declaration of contents and quality and to conform to all Federal and State Insecticide Labeling Requirements," borne on the can label, were false, misleading, and deceptive in that they represented that the article when used as directed, would act as an effective control against insects usually infesting vegetable gardens, greenhouses, flower gardens, citrus groves, apple, peach, and pear orchards, ornamental shrubbery, etc., cutworms and root maggots, that when combined with bordeaux mixture, as directed, it could be safely used on all fruits; and that it would act as an effective control of peach leaf curl, brown rot, apple scab, blotch, and frog eye, and that the article conformed to the requirements of the Federal Insecticide Act; whereas the article when used as directed, would not act as an active control of insects infesting vegetable gardens, greenhouses, flower gardens, citrus groves, apple, peach, and pear orchards, ornamental shrubbery, etc., cutworms, or root maggots; it could not be safely used on all fruits, but such use would cause serious injury to certain fruits affected by brown rot, namely, peaches, Japanese plums, and certain varieties of cherries; and it would not act as an effective control for peach-leaf curl, brown rot, apple scab, blotch, or frog eye, and the said article did not conform to the requirements of the Federal Insecticide Act.

Both lots of Koobaye were alleged to be misbranded further in that the following statements on the can label, "For Cabbage and Potato Aphis, Flea Beetle, Flea Hoppers \* \* \* Citrus Rust Mite, Citrus Aphis, Citrus Scale Crawlers, Citrus Thripp, Onion Thripp, Cabbage Plant Lice, Celery Leaf Hopper, Dog Fleas, Egg Plant Lice, Florida Flower Thripp, Garden Flea Hopper \* \* \* Melon Aphis, Strawberry Flea Beetle, Slugs, Snails, Three Cornered Hopper, Tomato Mite \* \* \* Tomato Flea Beetle, Turnip Lice, Tobacco Flea Beetle, Walnut Husk Flea, etc. One to one hundred (1 to 75-100) For True Army Worms, Beet Sugar Army Worms, Bean Leaf Roller, Bool Worm, Tobacco Bud Worms, Cabbage Looper, Cabbage Plutella, Celery Leaf Tyer, Celery Caterpillars, Celery Worm, Corn Leaf Miner, Corn Lantern Fly, Corn Ear Worm \* \* \* Cotton Stainer, Citrus Dog Worms, Drill Worms, Egg Plant Worms, Gall Worms, Inch Worms, Beet Web Worms, Melon Worms, Okra Caterpillars, Onion Root Maggot \* \* \* Sweet Potato Caterpillars, Squash Borers, Sweet Potato White Fly, Bean Fly, Citrus White Fly \* \* \* Southern Grass Worms, Strawberry Worms, Suck Fly, Tomato Fruit Worm, Tobacco Horn Worm, Velvet Bean Caterpillar, Water Grubs, Water Roaches, Wire Worms, etc. One to Seventy-five (1 to 75) As Repellant to Argentine Ants and other Ant Families (1 to 100). For Arbuttillion Moths, Aster Beetles, Asparagus Beetles, Blister Beetles, Bill Bugs, Cabbage Butterflies, Cabbage Calico Back, Colorado Potato Beetles, Diabrotica Beetles, Egg Plant Beetles, Chinch Bugs, Corn Borers, Gold Bugs, Harlequin Cabbage Bugs, Japanese Beetle, Leaf Footed Plant Bugs, Mexican Bean Beetle, Mediterranean Fly, Negro Bugs, Pumpkin Bugs (Stink Bugs), Red Spider, Rose Chafer, Striped Morning Sphinx \* \* \* Squash Bugs, Striped Cucumber Beetle, Bean Beetle, Wire Beetle, Mealy Bugs, Cottony Cushion Scale \* \* \* Oriental

Fruit Moth, Woody Scale, Cottony Maple Scale, Tulip or Magnolia Scale, Gloomy Scale, Scurfy Scale, Elm Scale, Spruce Gall Aphis, Junior Scale, San Jose Scale, Oak Lacanium, Lace Wing Bugs, Oyster Shell Scale, Apple Scurfy, Terrapin Scale \* \* \* Curculio, Case Bearers, \* \* \* etc. One to Fifty (1 to 50)," and "For \* \* \* Screw Worm on Cattle," were false, misleading, and deceptive in that they represented that the article when used as directed, would act as an effective insecticide against the above-named insects and would act as an effective preventive and treatment for screwworms that infest cattle; whereas the article when used as directed, would not act as an effective insecticide against the said insects and would not act as an effective preventive or treatment for screwworms that infest cattle. Misbranding was alleged with respect to one shipment of the said Koobaye for the further reason that it consisted partially of inert substances or ingredients, namely, water and acetone, and the names and the percentage amounts of the said inert substances were not stated plainly and correctly or at all on the can label, nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having insecticidal or fungicidal properties and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly or at all on the can label.

The Florote was alleged to be misbranded in that the following statements borne on the label, "Active Ingredients Rotenone Extractive 5% or over contained in Derris & Cube Root, No Less than . . . 1.97% Pyrethrins, Extractive contained in Pyrethrum Flowers, 'Japanese' . . . 2 .66% Pulverized Tobacco, Nicotine content no more than 1.50 percent . . . 2 .75% Inerts treated (Spray Evaporation Process) with 25 percent Extract of Derris Root: 'Rotenone' deposit not less than . . . 1.50%," were false, misleading, and deceptive since they represented that the active ingredients of the article consisted of rotenone extractive in derris and cube root, pyrethrins, extractive contained in pyrethrum flowers, pulverized tobacco, and inert ingredients treated with extract of derris drug; whereas the active ingredients of the article consisted of derris resins, cube resins, nicotine, and pyrethrum flower powder. The said Florote was alleged to be misbranded further in that the following statements in the labeling, (bag) "The manufacturer guarantees this material as true to the label declaration of contents and quality and to conform to all Federal and State insecticide labeling requirements," and (circular) "A duster adapted to reaching the under side of foliage gives the quickest and most satisfactory results, especially on insects of the beetle \* \* \* families, \* \* \* 'Florote' is of proven efficiency, both in field use and laboratory tests, and is highly recommended for the control of many species of the beetle and weevil families \* \* \* you will note with the use of 'Florote' an almost instantaneous stoppage of feeding, the worms or beetles leave the plants to die, \* \* \* 'Florote' \* \* \* for white mold, blue mold or scab, add twenty pounds of 'Florote' to eighty pounds pure flowers of sulphur, a safe and sure control, \* \* \* All of the ingredients used in the manufacture of 'Florote' have been approved by the U. S. Department of Agriculture \* \* \* 'Florote' is guaranteed by us to be absolutely harmless to human beings and all warm-blooded animals," were false, misleading, and deceptive in that they represented that the article conformed to the requirements of the Federal Insecticide Act, that when used as directed, it would act as an effective insecticide against all beetles, all weevils, and all worms, that when combined with flowers of sulphur as directed, it would act as a safe and sure control of all diseases of plants indicated by the designations white mold and blue mold, or scab, that it had been approved by the United States Department of Agriculture for the various purposes claimed in the said circulars and that it was nonpoisonous to human beings, and to all warm-blooded animals; whereas the article did not conform to the requirements of the Federal Insecticide Act; when used as directed, it would not act as an effective insecticide against all beetles, all weevils, and all worms; when combined with flowers of sulphur as directed, it would not act as a safe and sure control of all diseases of plants indicated by the designations white mold and blue mold, or scab; the ingredients of the article had not been approved by the United States Department of Agriculture for the various purposes claimed in the circular; and it would not be harmless to human beings and all warm-blooded animals. The said Florote was alleged to be misbranded further in that the following statements in the circular were false, misleading, and deceptive in that they represented that the article when used as directed, would kill and control the insects named;

whereas it would not kill and would not control such insects: "‘Florote’ used as directed kills and controls, Argentine ants \* \* \* aster beetles, apple flea beetle, \* \* \* bill bugs, boll worm, \* \* \* cabbage root maggot, \* \* \* corn weevils, crane fly caterpillar, cotton stainer, corn ear worm, \* \* \* citrus rust mite, \* \* \* cut worms, \* \* \* diabrotica root worm, diabrotica beetle, \* \* \* European corn borer, \* \* \* gall worm, \* \* \* Japanese beetle, \* \* \* lesser corn stalk borer, \* \* \* leaf footed plant bugs, \* \* \* Mediterranean fly, \* \* \* Melon worm, May beetles, mealy bugs, \* \* \* onion root maggot, \* \* \* pumpkin bugs, pickle worm, \* \* \* red spider, root web worm, rust mite, \* \* \* rose chafer, \* \* \* spotted click beetle, squash vine borer, \* \* \* tomato fruit worm, wire worms, white grubs, \* \* \* scale of mite origin, \* \* \* ‘Florote’ will control cut and bud worms, if baited one part ‘Florote’ to twenty-five parts bran, corn meal or corn flour, with sugar or syrup added as a lure. \* \* \* ‘Florote’ dusted on your lawn will kill and control ants \* \* \* five pounds of ‘Florote’ added to fifty gallons of Bordeaux Mixture is a splendid control for cut worms, crane fly larvae, and various root maggots."

On December 27, 1937, the defendant was arraigned and having admitted the charges in the information and having failed to show cause why judgment should not be entered, the court entered judgment of guilty and imposed a fine of \$300 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1622. Misbranding of Stero-Oil. U. S. v. Sterile Products Co. Tried to the court. Judgment of guilty. Fine, \$100 and costs. (I. & F. No. 1980. Sample Nos. 19351-C, 19353-C.)**

This product was misbranded because of false and misleading representations in the labeling regarding its sterilizing and germicidal properties and because of failure of the label to declare the inert ingredients present in the article.

On May 6, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sterile Products Co., a corporation, San Diego, Calif., alleging shipment by said company on or about April 16 and June 4, 1936, from the State of California into the State of Colorado of quantities of Stero-Oil, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements appearing on the labeling were false and misleading, and by reason of the said statements, it was labeled so as to deceive and mislead the purchasers since they represented that when used as directed, it would kill *Staphylococcus aureus* in 1 minute and that it would sterilize the objects and things named therein; whereas it would not be effective for the said purposes: (One lot, bottle and carton) "Stero-Oil \* \* \* Sterilizes \* \* \* Kills *Staphylococcus aureus* in One minute according to Bacteriological Tests. Not only sterilizes the Exterior but the Interior as well, leaving the working parts covered with a measured amount of high-grade Germicidal Lubricant"; (remaining lot, bottle) "Stero-Oil \* \* \* Sterilizes \* \* \* contra and right angle hand-pieces, Sterilizes \* \* \* sticking of burr chuck \* \* \* Run the hand-piece in Stero Oil after work on each patient for sterilizing purposes"; (carton) "Sterilizes \* \* \* contra and right angle hand pieces \* \* \* Sterilizes \* \* \* Burr chuck \* \* \* Kills *Staphylococcus Aureus* in one minute."; (both lots, circulars) "Kills *Staphylococcus aureus* in one minute. Protect your patients. Recent bacteriological research has developed an improvement in Stero-Oil, resulting in the killing of *Staphylococcus Aureus* in the remarkably brief period of one Minute. One of the leading bacteriological laboratories of the United States has provided this re-agent for blending with Stero-Oil in standard strength. As the cleaning constituent evaporates, the residuum of lubricating compound carries this germicide in even greater proportion, providing an increased margin of safety against those micro-organisms that may be drawn into the hand piece while running in the patient's mouth. \* \* \* Cleans, lubricates, sterilizes and scents the dental hand piece in One Operation! \* \* \* Kills *Staphylococcus Aureus* in one minute! \* \* \* The angle will then be Clean, Sterilized, Perfumed and sufficiently lubricated for one or more hours of constant use. To renew lubricant and have a sterilized angle, repeat cleansing technique after work on each patient. Sterilization The dental handpiece is the most unsanitary of all instruments used in dental or medical surgery. Internal working parts, covered with oil, become a natural

harbor for bacteria. For proper care of the handpiece and protection of patients against infection, old oil, saliva, grit, etc., must be removed, and the interior, as well as exterior, sterilized before using it on a patient. To sterilize the exterior without sterilizing the interior does not relieve the handpiece of its natural harbor of bacteria and consequently greatest danger of infection. Improved Stero Oil sterilizes the interior as well as exterior of hand pieces. In One Minute, with one bottle and in one operation old oil, grit, saliva, etc. is removed from interior working parts, a measured quantity of new, high grade, germicidal oil is supplied, the interior as well as exterior of the handpiece is sterilized with a germicide that Kills the virulent *Staphylococcus Aureus*—All In One Minute. You owe One Minute to each patient as a guarantee against infection. \* \* \* The angle hand piece is now sterilized, properly lubricated with a germicidal lubricant, cleaned, perfumed and surgically fit for use. \* \* \* Sterilization however is complete at the end of One Minute according to bacteriological tests. \* \* \* As a means of sterilization, the straight handpiece should be run in Stero Oil for a minute after finishing work on each patient. \* \* \* and you will have the satisfaction of knowing that you are doing the utmost possible to protect your patients from infection."

The article was alleged to be misbranded further in that it consisted partially of inert substances or ingredients, namely, mineral oil derivatives, including petroleum ether and lubricating oils, and the name and the percentage amount of such inert ingredients were not stated plainly and correctly on the labels; nor in lieu thereof were the name and the percentage amount of each substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substances or ingredients present therein stated plainly and correctly on the labels.

On July 14, 1937, the defendant having pleaded not guilty and having waived a jury, the case came on for trial before the court. At the conclusion of evidence introduced on behalf of the Government and the defendant, the court entered judgment of guilty on all counts. On July 16, 1937, a fine of \$100, plus costs, was imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1623. Misbranding of Hoyt's Fly Spray. U. S. v. Hoyt Bros., Inc. Plea of guilty. Fine, \$100. (I. & F. No. 1978. Sample No. 15426-C.)**

The labeling of this product bore false and misleading representations regarding its effectiveness in the control of flies, bedbugs, and certain other insects.

On June 11, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hoyt Bros., Inc., Newark, N. J., alleging shipment by said company on or about September 14, 1936, from the State of New Jersey into the State of Pennsylvania of a quantity of Hoyt's Fly Spray, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements, "Hoyt's Fly Spray Kills \* \* \* Flies \* \* \* Close windows and doors, spray upward. A few minutes strenuous spraying toward the ceiling should be enough for a small room, larger rooms in proportion. Continue spraying until room is filled with mist. When flies and mosquitoes begin to drop dead on the floor discontinue and keep room closed for 15 minutes, after which open room to air. \* \* \* Bed Bugs—Spray in all cracks and crevices of bed. Spray mattress on both sides forcing liquid into the tucks and folds, also spray the springs and bed clothing. \* \* \* Wherever Hoyt's Fly Spray is used it will kill all bed bugs and their eggs. \* \* \* And Crawling Insects—Follow directions for roaches \* \* \* Spray in cracks and crevices or similar hiding places, as behind sinks, ice boxes, etc. The fumes will draw them out, spray vigorously and watch them die before your eyes. The few that escape will die shortly. For badly infested places spray every day for a week \* \* \* Fly Spray Kills Flies \* \* \* When spraying on animals be careful to spray very lightly," borne on the can label, were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead the purchaser, since they represented that the article when used as directed, would act as an effective insecticide against flies and bedbugs and all crawling insects, and would act as an effective spray for killing flies that attack or annoy animals; whereas when used as directed it would not be effective for the said purposes.

On December 10, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1624. Misbranding of Incubator Fumigant. U. S. v. Whitmoyer Laboratories, Inc. Plea of guilty. Fine, \$50. (I. & F. No. 1992. Sample Nos. 27232-C, 28697-C.)**

This product was misbranded because its label failed to declare the inert ingredient present.

On June 23, 1937, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Whitmoyer Laboratories, Inc., trading at Myerstown, Pa., alleging shipment by said company in part on or about February 2 and February 19, 1937, from the State of Pennsylvania into the States of New Jersey and New York, respectively, of quantities of Incubator Fumigant, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of an inert substance or ingredient, water, that is a substance that does not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of such inert substance were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substance or ingredient so present therein stated plainly and correctly on the label.

On October 18, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1625. Adulteration and misbranding of Nodew and Antipestick. U. S. v. The Foodndrink Fertilizer Co., Inc. Plea of nolo contendere. Fine, \$10. (I. & F. No. 1994. Sample Nos. 16158-C, 22489-C.)**

The Nodew bore on its label false and misleading representations regarding its ingredients and its effectiveness in the control of mildew. Furthermore, it would have been injurious to certain vegetation on which it was intended for use. The Antipestick contained a smaller proportion of nicotine and a larger proportion of inert ingredients than declared.

On July 27, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Foodndrink Fertilizer Co., Inc., Cambridge, Mass., alleging shipment by said company, on or about January 25 and February 25, 1937, from the State of Massachusetts into the State of Florida of quantities of Nodew and Antipestick, of which the former was a fungicide and the latter was an insecticide within the meaning of the Insecticide Act of 1910, and both were adulterated and misbranded.

The Nodew was alleged to be adulterated in that it was intended for use on vegetation and when used thereon as directed, certain substances contained therein would be injurious to such vegetation on which it was intended for use. It was alleged to be misbranded in that the statements, "Active Ingredients Sulphur not less than 30% Potassium carbonate not less than 60% Inert ingredients not more than 10%," borne on the label, were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead the purchaser since they represented that the active ingredients of the article consisted of sulphur and potassium carbonate; whereas its active ingredients consisted of potassium polysulphide and potassium thiosulphate, and the potassium carbonate present therein was an inert ingredient. It was alleged to be misbranded further in that the following statements, "Nodew Fungicide cartridge for the control of Mildew \* \* \* Proven \* \* \* Efficient Economical. Insert in cartridge container nozzle and spray \* \* \* Repeat in a few days if necessary but one spraying is usually sufficient," borne on the label, were false and misleading and by reason of the said statements it was labeled so as to deceive and mislead the purchasers since the said statements represented that the article when used as directed, would control all mildews; would be efficient and economical for such purpose, and could be safely used on all plants affected by mildews; whereas the article when used as directed, would not control all mildews, would not be efficient and economical for such purposes, and it could not be safely so used on all plants affected by mildews.

The Antipestick was alleged to be adulterated in that the statements "Active ingredients: Nicotine, not less than 40% Inert ingredients 60%," borne on the label, represented that its standard and quality were such that it contained not less than 40 percent of nicotine and not more than 60 percent of inert ingredients; whereas its strength and purity fell below the professed standard and quality under which it was sold, since it contained less than 40 percent nicotine and contained inert ingredients in a proportion greater than 60 percent. It was alleged to be misbranded in that the above-quoted statements, borne on the label, were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead the purchasers, since it contained less than 40 percent nicotine, and more than 60 percent inert ingredients.

On November 9, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$10.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1626. Misbranding of Lucky Strike Dust and Lucky Strike Garden Spray. U. S. v. William C. Parrott (The Parrott Chemical Co.). Plea of guilty. Fine, \$30. (I. & F. No. 1945. Sample Nos. 70540-B, 70541-B.)**

The labeling of the Lucky Strike Dust bore false and misleading representations regarding its effectiveness as an insecticide and fungicide and other misrepresentations. Its label and that of the lot of Garden Spray, also covered by the case, failed to declare the inert ingredients present in the articles.

On November 1, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William C. Parrott, trading as the Parrott Chemical Co., Stamford, Conn., alleging shipment by said defendant on or about March 30, 1936, from the State of Connecticut into the State of Pennsylvania of quantities of Lucky Strike Dust and Lucky Strike Garden Spray, of which the former was an insecticide and fungicide and the latter was an insecticide within the meaning of the Insecticide Act of 1910, and both of which were misbranded.

The Dust was alleged to be misbranded in that the statements, "Rotenone Pyrethrum Sulphur For General Garden Dry Dusting Complete Insecticide and Fungicide," and "Lucky Strike Dust is especially adapted for use in controlling: \* \* \* Squash, Melon and other Vine Insects \* \* \* Weevils infesting Strawberries, Peppers, Cranberries and certain other vegetables and fruits. Safe," borne on the package labels, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser since they represented that it would act as a complete insecticide and fungicide and as a general garden dry dust; that when used as directed, it would act as an effective insecticide against squash, melon, and other vine insects and against all weevils that infest strawberries, peppers, cranberries, and certain other vegetables and fruits; that said article was nonpoisonous; whereas it would not act as a complete insecticide and fungicide nor as a general garden dry dust, it would not be effective against the said insects and weevils infesting the plants named when used as directed, and it was not nonpoisonous.

This article was alleged to be misbranded further and the garden spray also was alleged to be misbranded in that they consisted partially of inert substances or ingredients and the name and percentage amount of each inert substance or ingredient were not stated plainly and correctly on the labels of the packages and bottles containing the articles; nor in lieu thereof were the name and percentage amount of each ingredient of the articles having insecticidal or fungicidal properties and the total percentage of inert substances or ingredients present therein stated plainly and correctly on the said labels.

On November 22, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$30.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1627. Adulteration of McClellan's Crude Carbohc Acid. U. S. v. C. U. McClellan Laboratories Corporation and C. U. McClellan. Pleas of nolo contendere. Fine, \$25 each. (I. & F. No. 1999. Sample No. 9830-C.)**

This product was represented to be crude carbohc acid but consisted in part of mineral oil.

On September 10, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against C. U. McClellan Laboratories Corporation, Los Angeles, Calif., and C. U. McClellan, an agent of the corporation, alleging

shipment by said defendants on or about November 7, 1936, from the State of California into the State of Arizona of a quantity of McClellan's Crude Carbolic Acid, which was an adulterated insecticide, other than paris green and lead arsenate, within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statement "Crude Carbolic Acid," borne on the label, represented that it consisted solely of crude carbolic acid; whereas it did not consist solely of crude carbolic acid, but another substance, mineral oil, had been substituted in part for crude carbolic acid.

On February 9, 1938, a plea of *nolo contendere* having been entered by the defendants, they were sentenced to pay fines in the total amount of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1628. Misbranding of Aph-is-ite. U. S. v. Harry N. Leckenby. Plea of guilty. Fine, \$26 and costs. (I. & F. No. 2013. Sample Nos. 29554-C, 29562-C.)**

The labeling of this product bore false and misleading representations regarding its effectiveness against red spider and mealy bugs.

On November 29, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry N. Leckenby, Seattle, Wash., alleging shipment by said defendant on or about April 20, 1936, and May 1, 1937, from the State of Washington into the State of Oregon of quantities of Aph-Is-Ite, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Insects Controlled with Aphisite \* \* \* Red Spider \* \* \* Mealy Bugs \* \* \* Directions for general use Three teaspoonfuls to one quart of water," borne on the label of each lot of the article, and "Aphis-Ite For Control of \* \* \* Red Spider, Mealy Bugs," borne in a circular shipped with one lot, were false and misleading and by reason of the said statements, it was labeled and branded so as to deceive and mislead the purchaser, since they represented that when used as directed, it would be effective against red spiders and mealy bugs; whereas when used as directed, it would not be effective against red spiders nor mealy bugs.

On February 17, 1938, a plea of guilty having been entered by the defendant, the court imposed a fine of \$26 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1629. Misbranding of Menderth for Hungry Soil. U. S. v. 350 Bags of Menderth for Hungry Soil. Default decree of condemnation and destruction. (I. & F. No. 1996. Sample No. 12315-C.)**

The labeling of this product did not declare the name and percentage amounts of its inert ingredients and bore false and misleading representations regarding its effectiveness to control the corn borer, the corn-ear worm, and plant diseases.

On July 1, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 350 bags of Menderth for Hungry Soil at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about May 14, 1937, from Rumford, Maine, by Menderth, Inc., and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted entirely of inert ingredients and its label did not bear a statement of the name and percentage amount of the inert ingredients and the fact that they were inert. It was alleged to be misbranded further in that the following statements in the circular were false and misleading and were designed to deceive and mislead the purchaser: "Corn Borer Control Directions for proper use of Menderth for growing sweet corn and controlling the ravages of the Corn Borer and Ear Worm. The most satisfactory results are obtained by placing Menderth directly under and near the seed. This is perfectly safe, as Menderth does Not burn roots or foliage. The best way to use Menderth is to put a handful in each hill—mix a little with the soil—drop the seeds right in it—cover with soil and tamp down with a hoe. If planted in rows, Menderth should be thrown in the furrow by hand; or put in with the drill or seed planter. When the stalks are about six inches tall, or after the second or third leaf appears, dust the stalk with Menderth, so the material will lodge in the joint between leaf and stalk. There is where the borer usually starts his work. Repeat the dusting as above, as often as new leaves appear. When the stalk tassels, dust it thoroughly with

Menderth; and when the corn approaches maturity and the silk appears, dust the silk also with Menderth to guard against the ravages of the ear worm. If not checked, ear worms may cause more damage than the borer," whereas the product would not be effective against the corn borer or against the corn-ear worm; "Menderth is not an insecticide, but insects do not like it and will not stay where they come in contact with it. Use it freely and often for dusting purposes," whereas the product would not keep insects away; "Mr. C. C. Dexter wrote as follows: 'Menderth has overcome the diseases that were destroying the perennials—and in the vegetable garden, has given a vigor and quality we could not obtain without it,'" whereas the use of this product as directed, would not overcome the diseases of perennials and vegetables as indicated.

On April 25, 1938, Menderth, Inc., the intervenor, having withdrawn its claim and answer, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1630. Adulteration and misbranding of To-Na-Cide. U. S. v. Roman J. Irwin (To-Na-Cide Sales Co.). Plea of guilty. Fine, \$30. (I. & F. No. 2032. Sample Nos. 43555-B, 9549-C.)**

The labeling of this product bore false and misleading statements regarding its effectiveness to control certain insects. One lot contained a smaller percentage of naphthalene and a larger percentage of inert ingredients than declared on the label.

On March 2, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Roman J. Irwin, trading as To-Na-Cide Sales Co., New York, N. Y., alleging shipment by said defendant in violation of the Insecticide Act of 1910 on or about August 28, 1935, and August 10, 1937, from the State of New York into the States of Rhode Island and New Jersey of quantities of To-Na-Cide, an insecticide that was misbranded, and one lot of which was adulterated.

One lot was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was labeled, "Naphthalene 75.00% Inert Ingredients 24.80%," whereas it contained less than 75 percent of naphthalene and more than 24.80 percent of inert ingredients. The said lot was alleged to be misbranded in that the statements "Naphthalene 75.00% Inert Ingredients 24.80%" were false and misleading and by reason thereof, the article was labeled so as to deceive and mislead the purchaser.

Both lots were alleged to be misbranded in that the following statements borne on the bag label were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser, "To-Na-Cide For the Greenhouse or Garden For Control of Insects follow instructions enclosed," since the said statements represented that the article when used as directed would be effective against all insects; whereas when used as directed, it would not be effective against all insects. Both lots were alleged to be misbranded further in that certain statements contained in circulars enclosed in the bags were false and misleading and by reason of such statements, the article was labeled so as to deceive and mislead purchasers since the statements represented, that (1) one lot would save plants; would kill all bugs infesting plants; would be effective against all insects in a flower garden, vegetable garden, and greenhouse; would help plants grown in a flower garden, vegetable garden, and greenhouse in their fight against insect pests; would be effective against bugs; would kill insects in the soil such as thrips, cyclamen mites, earthworms, rose midge; would be effective to control other insects, such as white fly, red spider. aphids, etc., and could be depended upon to kill all insects found in the soil on benches, beds, or outside; would kill all soil insects and would protect plants against all insect pests or would prevent infection of plants or bulbs and would kill cutworms, ants, and other lawn insects; would be the most satisfactory insecticide to kill insects in and on the soil and would kill thrips on outside crops such as gladiolus, delphiniums, roses, dahlias, asters, field-grown carnations, and all other flowering and vegetable plants; would kill the bean beetle and all other insects and pests included under the abbreviation "etc."; would control the gladiolus thrips; would be effective against thrips, earthworms, cyclamen mites, white fly, red spider, rose midge, manure worms; would be effective against rose bugs; would be

effective to control all insects which infest potted plants; would be effective to kill thrips and worms; would be effective against thrips in the field, insects on dahlias, gladiolus, iris, and delphiniums, and would check red spider; and (2) that the article in the other lot, when used as directed, would be effective to kill insects in the soil, such as thrips, cyclamen mites, earthworms, sowbugs, and rose midge; would control other insects such as Japanese beetle, white fly, red spider, and aphid; would be effective to kill all other insects on outside crops such as gladiolus, delphiniums, roses, asters, field-grown carnations, vegetable plants, and all other plants that might be included under the abbreviation, "etc."; would kill insects in the soil that attack the roots of plants; would be effective to save plants and kill all bugs infesting plants; would be effective against all insect pests; would protect plants against all insect pests and would prevent infection of plants or bulbs; would be effective against rose bugs, gladiolus thrips; would be effective for treating soil infested by thrips, sowbugs, earthworms, cyclamen mites, millipedes, red spider, aphid, rose midge and manure worms; would be effective to control all insects which infest potted plants; would be the most satisfactory insecticide to kill insect pests in the soil; and would be an effective preventative and repellent for all insects; whereas the article would not be effective to accomplish the said purposes.

On April 13, 1938, a plea of guilty having been entered by the defendant, the court imposed a fine of \$30.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1631. Misbranding of Quadine. U. S. v. 8 Dozen Cartons of Quadine. Default decree of condemnation and destruction. (I. & F. No. 2034. Sample No. 57542-C.)**

The labeling of this product bore false and misleading representations regarding its effectiveness in the treatment of dog mites, mange, and other skin parasites.

On January 31, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 dozen cartons, each containing 6 bottles of Quadine, at West Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about November 30, 1937, from Toledo, Ohio, by the Allen Co., and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, (carton) "For \* \* \* Dog Mites. \* \* \* All Insects \* \* \* All Forms of Mange," (circular) "Mange, \* \* \* and mites are common causes of poor coats. \* \* \* Quadine will be found a useful aid in treatment of external causes of poor skin or coat. Any normally healthy dog should have a beautiful, glossy coat of hair if sprayed with Quadine weekly. \* \* \* for dog-mites, \* \* \* and other skin parasites," represented that the article was an effective treatment for all varieties of dog mites, for all varieties of insects, and all forms of mange or other skin parasites; whereas it was not effective for the said purposes.

It was alleged to be misbranded also in violation of the Food and Drug Act, as set forth in notice of judgment No. 28990 published under that act.

On April 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1632. Misbranding of No-Moth Solid and No-Moth Solid Refill. U. S. v. 81 Packages of No-Moth Solid Refill and 11 Dozen No-Moth Solid. Default decrees of condemnation and destruction. (I. & F. Nos. 2033, 2045. Sample Nos. 57587-C, 57588-C, 17201-D.)**

This product was an insecticide in the form of compressed cakes a part of which were contained in hanger cans and a part of which were separate refills. The cakes weighed less than the amount declared on the label.

On January 17 and March 4, 1938, the United States attorneys for the District of New Jersey and the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 81 packages of No-Moth Solid Refill at Newark, N. J., and 11 dozen No-Moth Solid at Washington, D. C., alleging that the articles had been shipped in interstate commerce on or about September 27 and December 2, 1937, and February 14, 1938, from New York, N. Y., by Reefer-Galler, Inc., and charging misbranding in violation of the Insecticide Act of 1910.

The articles were alleged to be misbranded in that the statement "Net Weight 14 Ozs.," borne on the packages containing the cakes, was false and misleading and by reason of said statement, they were labeled and branded so as to deceive and mislead the purchaser since the cakes contained less than 14 ounces.

On March 16 and April 28, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1633. Adulteration and misbranding of Pine Disinfectant No. 600. U. S. v. R. M. Hollingshead Corporation. Plea of guilty. Fine, \$50. (I. & F. No. 1989. Sample No. 37227-C.)**

This product possessed a phenol coefficient lower than that declared, it contained an inert ingredient in excess of the amount declared, and it was short of the declared volume.

On May 19, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. M. Hollingshead Corporation, Camden, N. J., alleging shipment by said defendant on or about August 31, 1936, from the State of New Jersey into the State of Pennsylvania of a quantity of Pine Disinfectant No. 600, which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statement "Coefficient 2 Inert Matter: Oil not exceeding 35%," borne on the label, represented that its standard and quality were such that it possessed a phenol coefficient of not less than 2 and that it contained oil as an inert ingredient in the proportion of not more than 35 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it possessed a phenol coefficient much lower than 2, and contained oil, i. e., mineral oil, as an inert ingredient in a proportion much greater than 35 percent.

It was alleged to be misbranded in that the statements, "Pine Disinfectant," "Coefficient 2 Inert Matter \* \* \* Oil Not exceeding 35%" and "128 Fl. Ozs. 3.785 Litres," borne on the label, were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead the purchaser, since they represented that it consisted of pine disinfectant, that it possessed a phenol coefficient of not less than 2, that it contained oil as an inert ingredient in the proportion of not more than 35 percent, and that the cans contained not less than 128 fluid ounces or 3.785 litres: whereas it did not consist of pine disinfectant but consisted of a mixture of pine-oil disinfectant and mineral oil; it possessed a phenol coefficient of much less than 2, i. e., not more than 1.1 when tested by the F. D. A. method; it contained more than 35 percent of oil; and the cans contained less than the amount declared.

On May 23, 1938, a plea of guilty having been entered by the defendant, the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1634. Adulteration and misbranding of Lucky Strike Fungicide and Lucky Strike Garden Spray; misbranding of Lucky Strike Combination for Roses, Lucky Strike Rotenone Dust, and Lucky Strike Cow Spray. U. S. v. William C. Parrott (The Parrott Chemical Co.). Plea of guilty. Fine, \$100. (I. & F. No. 1951. Sample Nos. 8092-C, 8093-C, 8094-C, 70542-B.)**

The labeling of the Fungicide, Garden Spray, Combination for Roses, and Cow Spray bore false and misleading representations regarding their effectiveness to control plant diseases or insects, or both. The identity or proportion of the active or inert ingredients of the Fungicide, Garden Spray, and Rotenone Dust was not declared, or was incorrectly declared, on their respective labels. In addition, the labeling of the Garden Spray bore false and misleading statements that it was nonpoisonous.

On November 1, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William C. Parrott, trading as the Parrott Chemical Co., at Stamford, Conn., alleging shipment by said defendant in violation of the Insecticide Act of 1910 on or about March 30, May 18, June 24, and July 2, 1936, from the State of Connecticut into the State of Pennsylvania of quantities of Lucky Strike Fungicide, of which one lot was adulterated and misbranded, and the other was misbranded; of Lucky Strike Garden Spray which was an adulterated and misbranded insecticide; and of Lucky Strike Combination for

Roses, Lucky Strike Rotenone Dust and Lucky Strike Cow Spray which were misbranded insecticides.

One lot of the Lucky Strike Fungicide was alleged to be adulterated in that the statements borne on the label, "Active ingredients: Metallic Copper 4% Nitrogen as Ammonium Salts 2% Inert Ingredients 94%," purported and represented that the standard and quality of the article were such that it contained copper, expressed as metallic copper, in a proportion of not less than 4 percent and that it contained inert ingredients in a proportion of not more than 94 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold since it contained copper expressed as metallic copper, in a proportion less than 4 percent and it contained inert ingredients in a proportion greater than 94 percent. This lot was alleged to be misbranded in that the above-quoted statements were false and misleading and by reason of the said statements the article was labeled and branded so as to deceive and mislead purchasers, since they represented that it contained copper, expressed as metallic copper, in a proportion of not less than 4 percent; that it contained inert ingredients in a proportion of not more than 94 percent, and that nitrogen as ammonium salts was an active ingredient; whereas it contained copper, expressed as metallic copper, in a proportion less than 4 percent, contained inert ingredients in a proportion greater than 94 percent, and nitrogen as ammonium salts was not an active ingredient of the article.

The other lot of Fungicide was alleged to be misbranded in that the statements, "Active Ingredients: Metallic Copper 4% Nitrogen as Ammonium Salts 2% Inert Ingredients 94%," borne on the label, were false and misleading and by reason of the said statements, the article was labeled and branded so as to deceive and mislead purchasers, since they represented that it contained as active ingredients metallic copper in a proportion not less than 4 percent and nitrogen as ammonium salts in a proportion not less than 2 percent, and that it contained inert ingredients in a proportion not more than 94 percent; whereas it contained copper only as an active ingredient, metallic copper in a proportion less than 4 percent, and inert ingredients in a proportion greater than 94 percent.

Both lots of the Fungicide were alleged to be misbranded further in that the statements, "Fungus Diseases: \* \* \* To control this type of disease it is necessary to have a thin film of material on the foliage which will kill certain fungus spores," borne in the labeling of both lots, "Lucky Strike Fungicide \* \* \* It controls fungus diseases such as \* \* \* black rot \* \* \* of grape \* \* \* One Quart 32 Oz.—Makes 32 Gallons Finished Spray \* \* \* 1 Teaspoonful to 1 pint water 2 Teaspoonfuls to 1 Gallon water 4 Oz. makes approximately 4 gallons finished spray," in the labeling of one lot, and "Lucky Strike Rose Combination offers Complete protection against \* \* \* Diseases \* \* \* These materials when mixed together with the specified amount of water afford the user complete protection against \* \* \* disease Thus mildew, Black Spot, Rust and other forms of infection are controlled \* \* \* To kill insects also, when spraying to control Fungus Diseases, we strongly recommend using Lucky Strike Garden Insect Spray together with Lucky Strike Fungicide \* \* \* By using the 2 products together a satisfactory kill against both chewing and sucking insects will be obtained," in the labeling of the other lot, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser, since they represented that when used as directed, it would control all fungous diseases of plants, would control black rot of grapes, would offer complete protection against diseases, would control all other forms of infection and would act as an effective insecticide when used with the Garden Spray against all chewing and sucking insects; whereas when used as directed, it would not be effective to accomplish the said purposes.

The Garden Spray was alleged to be adulterated in that the statement "Water 5%," borne on the label, represented that the quality and strength of the article were such that it contained water in a proportion of not more than 5 percent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it contained water in a proportion greater than 5 percent.

The Garden Spray and the remaining products were alleged to be misbranded in that the following statements appearing in their labeling were false and misleading and by reason of the said statements, the articles were labeled so as to deceive and mislead purchasers:

(Garden Spray) "Inert Ingredients: Water 5% Resin 32%," since it represented that the inert ingredients of the article consisted of water and resin and that it contained water in a proportion of not more than 5 percent, whereas the inert ingredients of the article did not consist of water and resin but of water and inactive pyrethrum extractives, and it contained water in a proportion greater than 5 percent; the statements, "Garden Spray kills Plant Insects both chewing and sucking bugs—worms \* \* \* Ants Beetles etc. \* \* \* Spray Chart dilution 1-200 For \* \* \* Mealy Bugs \* \* \* Etc. Dilution 1-400 For \* \* \* Aster Beetle, Cucumber Beetle, Rose Chafer, Cut Worm, etc. Dilution 1-600 For \* \* \* Etc.," since they represented that the article when used as directed, would control all plant insects, all chewing and sucking bugs, worms, ants and beetles, and would act as an effective insecticide against mealy bugs and all other insects that might be included under the abbreviation, "Etc."; whereas when used as directed, it would not be effective to accomplish the said purposes; and the statements, "Non-poisonous Garden Insect Spray" and "Safe Non-Arsenical Insecticide \* \* \* the use of poisonous insecticides is no longer necessary \* \* \* the complete combination of non-poisonous insecticides \* \* \* as it is non-poisonous," since they represented that the article was non-poisonous, whereas it was not non-poisonous.

(Combination for Roses) "Lucky Strike Rose Combination offers complete protection against insects \* \* \* In the Lucky Strike Rose Combination Kits the grower is offered for the first time the complete combination of non-poisonous insecticides \* \* \* afford the user complete protection against \* \* \* as well as the actual killing of insects \* \* \* The insect killing properties take in both the chewing and sucking varieties of insects," "Kills \* \* \* caterpillars \* \* \* Kills insects by first spraying, such as \* \* \* rose chafers, \* \* \* aster beetles, \* \* \* For Rose Delphiniums, Hollyhocks, Etc. Kills—Chewing and sucking insects both by contact and thru stomach," since they represented that the article when used as directed, would act as an effective insecticide and control against all insects, would afford complete protection against all insects, would kill all caterpillars and would act as an effective insecticide against rose chafers and aster beetles, whereas when used as directed, it would not be effective to accomplish the said purposes.

(Rotenone Dust) "Rotenone Dust," since it represented that the article consisted of rotenone dust; whereas it did not consist of rotenone dust but of powdered derris root, sulphur, pyrethrum powder, and china clay.

(Cow Spray) "Kills Flies \* \* \* When Spraying for Horn Flies on Cattle In starting Spray mornings and evenings before milking. After doing this for 3 or 4 successive days, then number of sprayings may be reduced somewhat and still produce results Our tests show that when used as directed Lucky Strike Cow Spray will kill flies that are enveloped in the mist \* \* \* when Spraying Horses Spray thoroughly when necessary and in extreme cases cover horses with blankets immediately after spraying to localize the fumes, \* \* \* Kills \* \* \* Mites," since they represented that the article when used as directed, would act as an effective insecticide against all varieties of mites that infest livestock and for killing flies that attack or annoy cattle and horses; whereas when used as directed, it would not be effective to accomplish the said purposes.

The Rotenone Dust was alleged to be misbranded further in that it consisted partially of inert substances or ingredients, that is, substances other than derris rosins, sulphur, and powdered pyrethrum flowers and the name and percentage amount of each and every inert substance or ingredient of the article were not stated plainly and correctly on the label; nor in lieu of the names and percentage amounts of the inert substances or ingredients, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the label.

One lot of the Lucky Strike Fungicide was also alleged to be misbranded in violation of the Federal Caustic Poison Act, reported in notice of judgment No. 85 published under that act.

On November 22, 1937, a plea of guilty having been entered by the defendant, the court imposed a fine of \$100 for violation of both acts, i. e., \$10 on each of the 10 counts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1635. Adulteration and misbranding of G & O Fish Oil Soap. U. S. v. 40 Cans of G & O Fish Oil Soap. Default decree of condemnation and destruction.** (I. & F. No. 2055. Sample No. 29806-D.)

This product fell below its declared standard because it contained more water than stated on the label.

On June 1, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cans of G & O Fish Oil Soap at Jenkintown, Pa., alleging that the article had been shipped in interstate commerce on or about May 5, 1938, from New York, N. Y., by Goulard & Olena, and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statement "Inert Ingredients—Water Not Over 50%," borne on the labels, represented that its standard and quality were such that it contained an inert ingredient, water, in a proportion of not more than 50 percent; whereas its strength and purity fell below the professed standard and quality under which it was sold, since it contained water in a proportion of more than 50 percent.

It was alleged to be misbranded in that the said statement was false and misleading and by reason thereof, it was labeled and branded so as to deceive and mislead the purchaser.

On June 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

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<sup>1</sup> Prosecution contested.